

108TH CONGRESS
1ST SESSION

S. 1276

AN ACT

To improve the manner in which the Corporation for National and Community Service approves, and records obligations relating to, national service positions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthen
5 AmeriCorps Program Act”.

1 **SEC. 2. PROCESS OF APPROVAL OF NATIONAL SERVICE PO-**
 2 **SITIONS.**

3 (a) DEFINITIONS.—In this Act, the terms “approved
 4 national service position” and “Corporation” have the
 5 meanings given the terms in section 101 of the National
 6 and Community Service Act of 1990 (42 U.S.C. 12511).

7 (b) TIMING AND RECORDING REQUIREMENTS.—

8 (1) IN GENERAL.—Notwithstanding subtitles C
 9 and D of title I of the National and Community
 10 Service Act of 1990 (42 U.S.C. 12571 et seq.,
 11 12601 et seq.), and any other provision of law, in
 12 approving a position as an approved national service
 13 position, the Corporation—

14 (A) shall approve the position at the time
 15 the Corporation—

16 (i) enters into an enforceable agree-
 17 ment with an individual participant to
 18 serve in a program carried out under sub-
 19 title E of title I of that Act (42 U.S.C.
 20 12611 et seq.) or title I of the Domestic
 21 Volunteer Service Act of 1973 (42 U.S.C.
 22 4951 et seq.); or

23 (ii) except as provided in clause (i),
 24 awards a grant to (or enters into a con-
 25 tract or cooperative agreement with) an
 26 entity to carry out a program for which

1 such a position may be approved under
2 section 123 of the National and Commu-
3 nity Service Act of 1990 (42 U.S.C.
4 12573); and

5 (B) shall record as an obligation an esti-
6 mate of the net present value of the national
7 service educational award associated with the
8 position, based on a formula that takes into
9 consideration historical rates of enrollment in
10 such a program, and of earning and using na-
11 tional service educational awards for such a
12 program.

13 (2) FORMULA.—In determining the formula de-
14 scribed in paragraph (1)(B), the Corporation shall
15 consult with the Director of the Congressional Bud-
16 get Office.

17 (3) CERTIFICATION REPORT.—The Chief Exec-
18 utive Officer of the Corporation shall annually pre-
19 pare and submit to Congress a report that contains
20 a certification that the Corporation is in compliance
21 with the requirements of paragraph (1).

22 (4) APPROVAL.—The requirements of this sub-
23 section shall apply to each approved national service
24 position that the Corporation approves—

1 (A) during fiscal year 2003 (before or after
2 the date of enactment of this Act); and

3 (B) during any subsequent fiscal year.

4 (c) RESERVE ACCOUNT.—

5 (1) ESTABLISHMENT AND CONTENTS.—

6 (A) ESTABLISHMENT.—Notwithstanding
7 subtitles C and D of title I of the National and
8 Community Service Act of 1990 (42 U.S.C.
9 12571 et seq., 12601 et seq.), and any other
10 provision of law, within the National Service
11 Trust established under section 145 of the Na-
12 tional and Community Service Act of 1990 (42
13 U.S.C. 12601), the Corporation shall establish
14 a reserve account.

15 (B) CONTENTS.—To ensure the avail-
16 ability of adequate funds to support the awards
17 of approved national service positions for each
18 fiscal year, the Corporation shall place in the
19 account—

20 (i) during fiscal year 2003, a portion
21 of the funds that were appropriated for fis-
22 cal year 2003 or a previous fiscal year
23 under section 501(a)(2) (42 U.S.C.
24 12681(a)(2)), were made available to carry

1 out subtitle C or D of title I of that Act,
 2 and remain available; and

3 (ii) during fiscal year 2004 or a sub-
 4 sequent fiscal year, a portion of the funds
 5 that were appropriated for that fiscal year
 6 under section 501(a)(2) and were made
 7 available to carry out subtitle C or D of
 8 title I of that Act.

9 (2) OBLIGATION.—The Corporation shall not
 10 obligate the funds in the reserve account until the
 11 Corporation—

12 (A) determines that the funds will not be
 13 needed for the payment of national service edu-
 14 cational awards associated with previously ap-
 15 proved national service positions; or

16 (B) obligates the funds for the payment of
 17 such awards for such previously approved na-
 18 tional service positions.

19 (d) AUDITS.—The accounts of the Corporation relat-
 20 ing to the appropriated funds for approved national serv-
 21 ice positions, and the records demonstrating the manner
 22 in which the Corporation has recorded estimates described
 23 in subsection (b)(1)(B) as obligations, shall be audited an-
 24 nually by independent certified public accountants or inde-
 25 pendent licensed public accountants certified or licensed

1 by a regulatory authority of a State or other political sub-
 2 division of the United States in accordance with generally
 3 accepted auditing standards. A report containing the re-
 4 sults of each such independent audit shall be included in
 5 the annual report required by subsection (b)(3).

6 (e) AVAILABILITY OF AMOUNTS.—Except as provided
 7 in subsection (c), all amounts included in the National
 8 Service Trust under paragraphs (1), (2), and (3) of sec-
 9 tion 145(a) of the National and Community Service Act
 10 of 1990 (42 U.S.C. 12601(a)) shall be available for pay-
 11 ments of national service educational awards under section
 12 148 of that Act (42 U.S.C. 12604).

Passed the Senate June 18, 2003.

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

S. 1276

AN ACT

To improve the manner in which the Corporation
for National and Community Service approves,
and records obligations relating to, national serv-
ice positions.